

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RALPH J. AND JILL E. KRAMER, III
1837 Westwood Avenue
Columbus, Ohio 43212

Plaintiff,

v.

UNITED STATES OF AMERICA
Kenneth L. Parker
United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215

Defendant.

Case No.

Judge _____

**JURY DEMAND ENDORSED
HEREON**

COMPLAINT

NOW COMES the Plaintiffs, Ralph J. and Jill E. Kramer III, husband and wife, (hereinafter referred to as “Kramers” or the “Plaintiffs”), by and through counsel, and for their Complaint herein states as follows:

I. VENUE AND JURISDICTION

1. This action arises under the provisions of Title 28, Section 1346(a)(1) of the United States Code and also Title 26, Section 7422 of the United States Code for the recovery of federal income tax and related interest, erroneously and illegally collected from the Plaintiffs by the Internal Revenue Service (“IRS”).

2. The Plaintiffs, Ralph J. and Jill E. Kramer III, husband and wife, are citizens of the United States and currently reside at 1837 Westwood Avenue, Columbus, Ohio 43212, Franklin County, Ohio, within the Southern District of Ohio, Eastern Division.

3. The Defendant is the United States of America – specifically acting through the Internal Revenue Service, Department of Treasury.

II. COUNT I – REFUND OF TAXES ILLEGALLY ASSESSED AND COLLECTED

4. The Plaintiffs incorporate herein paragraphs 1 through 3 of the Plaintiffs' Complaint.

5. The Plaintiffs filed their 2018 federal personal joint income tax returns, Form 1040, and timely paid the total tax liability owing as reflected on the tax return. The Plaintiff Ralph J. Kramer, III self prepared their 2018 personal federal joint income tax return, Form 1040.

6. Subsequent to filing their 2018 federal joint income tax return, Plaintiff Ralph J. Kramer III discovered that he made several errors on the reporting of their taxable income on their 2018 personal federal joint income tax return. Specifically, he discovered that he erroneously reported as taxable income on line 10, Schedule 1 (carried over and added to other items to constitute total income on line 6 of the return) a 2016 federal tax refund he received in 2018 from the IRS of \$155,763. The Plaintiffs received this 2016 federal tax refund by check dated March 23, 2018 from the United States Treasury. The Plaintiffs erroneously included this \$155,763 amount with properly included State of Ohio and City of Columbus tax refund amounts they also received in 2018 totaling \$18,792, to report total taxable refunds on their 2018 income tax return of \$174,555.

7. The receipt of the 2016 federal tax refund by the Plaintiffs in 2018 of \$155,763 does not constitute taxable income to the Plaintiffs in 2018 and was thus erroneously included by them as taxable income on their 2018 federal personal income tax return.

8. Additionally, on their 2018 personal joint federal income tax return, Form 1040, the Plaintiffs erroneously failed to claim a Qualified Business Income Deduction. Plaintiff Ralph J. Kramer III is self employed and operates a business called Kramer Engineers. He reported this business activity on a Schedule C appended to their 2018 federal personal joint income tax return. The business reported income in 2018 so the Plaintiffs qualified for the Qualified Business Income Deduction but erroneously failed to claim it on their 2018 tax return. Subject to total income limitations, they should have been entitled to a reduction of taxable income on their 2018 tax return for the Qualified Business Income Deduction of \$83,487.

9. With the filing of their 2018 federal joint personal income tax return, the Plaintiffs full paid the total amount of taxes identified as owing on the return.

10. On December 12, 2020, the Plaintiffs filed an amended 2018 personal joint income tax return, Form 1040-X, with the Internal Revenue Service. On this amended income tax return, the Plaintiffs reduced the taxable income reported on their originally filed Form 1040 by the \$155,763 federal income tax refund they received and reported as taxable income, and by the \$83,487 Qualified Business Income Deduction they are otherwise entitled to deduct.

11. On their 2018 amended income tax return, with the two adjustments made as identified in the above paragraph, the Plaintiffs calculated that they overpaid their 2018 income taxes by \$118,460 and requested this amount be refunded.

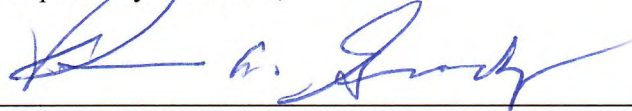
12. The 2018 amended personal income tax return, Form 1040-X, is a claim for refund. (The amended personal income tax return is not appended hereto to maintain taxpayer privacy, although it has been filed with the IRS.). The IRS Transcripts of Account for the Plaintiffs' 2018 Form 1040 identifies that the IRS received the amended return or claim for refund and forwarded for processing with notations on June 7, 2021 and August 7, 2021.

13. Six (6) months have passed since the filing of the 2018 Claim for Refund (amended tax return) and the Plaintiffs have not received their refund claimed nor any determination from the IRS regarding whether it will approve or deny this claim for refund.

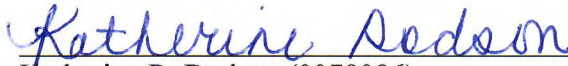
WHEREFORE, the Plaintiffs demand judgment and other relief against the Defendant as follows:

1. Judgment for the sum of \$118,460 in favor of Plaintiffs;
2. Judgment for interest on the aforesaid sum allowed by law from the date of filing the 2018 personal joint income tax return;
3. Judgment for attorney fees and other costs herein extended; and
4. All other relief to which the Plaintiff may be entitled.

Respectfully submitted,



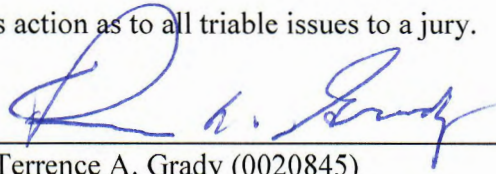
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JURY DEMAND

Plaintiffs demand a trial by jury in this action as to all triable issues to a jury.



Terrence A. Grady (0020845)
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

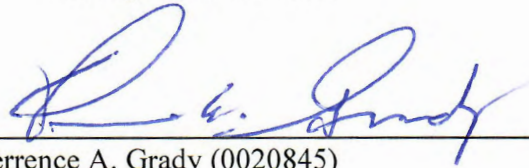
I hereby certify that a copy of the foregoing has been served by certified mail, postage prepaid, this 10th day of November 2022, upon the following:

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Civil Process Clerk
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